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September 5, 2014

By ECF

Hon. Sidney H. Stein  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

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Re: *In the matter of the Petition for the Appointment of an Arbitrator in the Arbitration between Hamilton Properties Limited against FHR Gulf Management FZ LLC et ano.*, 14 Civ. 6507 (SHS/KF)

Dear Judge Stein:

We represent FHR Gulf Management FZ LLC and Fairmont Hotels & Resorts (U.S.) Inc. (together, "Fairmont") in the above-referenced action and respond briefly to the letter of today by counsel to Hamilton Properties Limited.

We do not wish to belabor the point regarding the untimeliness of Hamilton Properties' reply in further support of its petition, but are compelled to respond to Hamilton Properties' erroneous assertion that its reply was timely, as it represents another example of Hamilton Properties not following the clear terms of the applicable law and rules, which will be a significant point in Fairmont's reply next week in further support of its cross-petition.

This Court's Local Rule 6.1(b) expressly provides that, "[o]n all civil motions, *petitions*, and applications, other than those described in Rule 6.1(a), and other than petitions for writs of habeas corpus, . . . (3) any reply affidavits and memoranda of law shall be served within *seven days* after service of answering papers." (emphasis added.) Further, as the parties agree, the petition and cross-petition for appointment of an arbitrator are governed by section 206 of the Federal Arbitration Act, and section 6 thereof specifically states that "Any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of *motions*, except as otherwise herein expressly provided." (9 U.S.C. § 6 (applicable to FAA Chapter 2 proceedings pursuant to § 208 thereof).) Thus, Hamilton Properties' reply in further support of its petition was due August 28, 2014, which was seven days after Fairmont's opposition served on August 21, 2014. (As for Hamilton Properties' opposition to Fairmont's cross-petition, that was filed timely on the last day. (See LR 6.1(b)(2).)

Respectfully submitted,

/s/ Peter J.W. Sherwin

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